

STATE OF MAINE

v.

ROBERT P. THOMPSON

Submitted on Briefs June 29, 2017
Decided August 22, 2017

Panel: SAUFLEY, C.J., and ALEXANDER, MEAD, GORMAN, JABAR, HJELM, and HUMPHREY, JJ.

MEMORANDUM OF DECISION

Robert P. Thompson appeals from a judgment convicting him of operating under the influence (Class D), 29-A M.R.S. § 2411(1-A)(A) (2016), entered in the trial court (Penobscot County, *A. Murray, J.*) following a conditional guilty plea, *see* M.R.U. Crim. P. 11(a)(2). Thompson argues that the court (*Budd, J.*) erred by denying his motion to suppress evidence generated from the investigatory stop of his vehicle.

Thompson's central contention is that the information known to the officer who testified at the suppression hearing cannot properly be imputed to the officer who stopped Thompson. We conclude that, even without drawing on the collective knowledge doctrine, *see, e.g., State v. Carr*, 1997 ME 221, ¶ 7, 704 A.2d 353, the evidence was sufficient to support the court's ultimate determination that the officer who effected the stop had reasonable and articulable suspicion to do so.

We review the trial court's factual findings supporting the denial of a motion to suppress for clear error and its conclusions of law de novo, and we

will affirm the denial “if any reasonable view of the evidence supports the trial court’s decision.” *State v. Gerry*, 2016 ME 163, ¶ 11, 150 A.3d 810 (quotation marks omitted). Additionally, because Thompson requested the court to issue findings of fact and conclusions of law only on the isolated issue of whether the testifying officer had communications with the officer who stopped Thompson—an issue that we conclude is not material to our analysis—we will infer that as to all other factual aspects of this case the court made the findings necessary to support its ultimate decision if those inferred findings are supported by competent evidence in the motion hearing record. *See State v. Connor*, 2009 ME 91, ¶ 9, 977 A.2d 1003.

Applying these standards of review, we conclude that those facts explicitly found by the court that are material to our analysis, combined with inferred facts, are supported by the evidence and demonstrate that the officer who stopped Thompson had sufficient information to support a reasonable and articulable suspicion necessary to justify the stop. *See State v. LaForge*, 2012 ME 65, ¶ 10, 43 A.3d 961 (stating that “the threshold for demonstrating an objectively reasonable suspicion necessary to justify a vehicle stop is low” and “need only be more than speculation or an unsubstantiated hunch” (quotation marks omitted)). Accordingly, we conclude that the court did not err by denying Thompson’s motion.

The entry is:

Judgment affirmed.

Wayne R. Foote, Esq., Law Offices of Wayne R. Foote, PA, Bangor, for appellant Robert Thompson

R. Christopher Almy, District Attorney, and Mark A. Rucci, Asst. Dist. Atty., Prosecutorial District V, Bangor, for appellee State of Maine